

Board of Supervisors Meeting Date: February 26, 2008 (continued from February 19, 2008)

Case Summary: Project No. 96-044-(5) – Appeal of Regional Planning Commission’s Approval of Amendment to Vesting Tentative Tract Map No. 48086

Project Applicant: James Bizzelle/Pardee Homes

RPC Meeting Date: January 9, 2008

Hearing Officer Meeting Dates: August 21, 2007; September 11, 2007; September 25, 2007

Synopsis

Hearing Officer

The Amendment was first presented during the August 21, 2007 Hearing Officer (“H.O.”) public meeting and continued to September 11, 2007 and September 25, 2007. The amended map proposes the following changes:

- Relocate an elementary school site from the adjacent Tract No. 36943 to the southwest corner of this TR 48086;
- adjust lot lines and lot configurations resulting in a total of 499 single-family residential lots (or a total of 531 single-family residential lots without the school site);
- redesign an active park with only one pad and no storm drains; revise street pattern;
- relocate a water reservoir from the upper northwestern portion to the upper northeastern portion of the project site;
- redesign drainage facilities and add desilting basins both onsite and offsite;
- add a 60-inch arch culvert under Yellowstone Lane for wildlife use;
- remove part of the existing pavement of the old Spring Canyon Road in order to provide a continuous wildlife corridor connecting Spring Canyon to the wildlife undercrossing at Stonecrest Road;
- add a landscaped parkway and a wildlife corridor on the south side of Yellowstone Lane;
- revise the cross section for the Stonecrest Road freeway undercrossing from having two retaining walls to having four retaining walls;
- add a sewer lift station; reconfigure Lots 317-319 to eliminate encroachment into the stream course; change grading footprint and grading amount from 4.2 million

cubic yards cut and fill balanced onsite to 5.3 million cubic yards cut and fill balanced onsite; and other minor changes associated with the above changes.

Correspondence was received from the Santa Clarita Organization for Planning and the Environment ("SCOPE") and the California Water Impact Network. Both letters stated that the project does not comply with the water supply requirements set forth in SB221 since water deliveries may have to be cut back by as much as 33 percent due to recent litigation. The letters requested that the H. O. re-evaluate the water supply for the project before proceeding.

The applicant responded that the Newhall County Water District has already executed an agreement to provide water to the project, and that there is adequate water supply to the project. The applicant also argued that the assertions regarding recent litigation concerning water supply, are inappropriate for this amendment request since the County's amendment map procedure is limited to the review of the requested changes only.

During the H.O public meeting, staff stated that the certified Final Environmental Impact Report ("EIR") did include the Water Supply Analysis for the overall project, and that there was no substantial evidence at that time that the recent legal decision would have an impact on water supply.

After hearing all comments, on September 25, 2007 the H.O. approved the Amendment to Vesting Tentative Tract Map 48086 ("TR 48086").

Regional Planning Commission

In a letter dated October 9, 2007, David Lutness, Board Secretary, for SCOPE appealed the approval of Amendment to TR 48086 to the regional Planning Commission on the following issues:

1. There is new information regarding water availability of state water supply cutbacks that was disregarded by the Hearing Officer. The appellant feels the developer intentionally reduced the number of units to one unit below the 500-unit threshold to avoid requirements to comply with environmental regulations regarding water supply and air quality at the 500-unit level.
2. The appellant requests the opportunity to submit new information into the record regarding cumulative impacts to streams and tributaries of the Santa Clara River and failure to address those impacts.
3. The appellant is requesting a public hearing during which time the public may discuss new information concerning water availability that would affect this project.

The Regional Planning Commission ("RPC") in their action on January 9, 2008, upheld the H.O.'s approval of the Amendment to TR 48086 and re-approved the conditions approved.

Project Proponents

One person (one speaker) testified in favor of denying the H.O./Regional Planning Commission appeal. During the January 9, 2008 public meeting the applicant's representative stated that the amendment process was not the appropriate venue to re-open a public hearing, and asked the RPC to deny the appeal of the H.O.'s approval of the amendment. The applicant also stated that amendment changes were designed to accommodate Sulphur Springs School District, Newhall County Water District and the Los Angeles County Department of Public Works.

Project Opposition

Two persons (two speakers) were in opposition to the H.O.'s approval of amendment to TR 48086. One letter and one petition with 17 signatures were also received in opposition. Concerns raised during the January 9, 2008 RPC public meeting included hydromodification, the applicant acquiring pumping rights from streams of the Santa Clara River, and contamination effects with Castaic Water Well No. 1 and Water Well No. 2.

Issues

- An amendment is considered a minor change to an approved tentative map, and specifically for this project was prompted by needs of the local school district, water district, and Department of Public Works. Therefore the changes that were considered by the Hearing Officer and the Commission were limited in scope to the technical changes proposed by the amendment. The Final Environmental Impact Report for this project was certified with the Board's original approval in 2004 and included a water supply assessment. In addition to the technical changes of the map, the amendment proposes a reduction in dwelling units from 542 to 499.
- Although the project size is below the threshold established by state law, the project's EIR includes a Water Assessment analysis, which concluded that water is available for this project. The Final EIR was certified by the Commission before the recent delta smelt court decision; however, recent information from the water purveyors indicate that water supply is still adequate in light of the court decision.

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